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QUESTION OF EAST TIMOR

Letter dated 10 July 1995 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a note verbale dated 10 July 1995 from the Permanent Mission of the Republic of Indonesia to the United Nations (see annex), in response to the communication of 5 June 1995 from the Permanent Mission of Portugal to the United Nations concerning East Timor (A/50/214 and Corr.1).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly.

(Signed) Nugroho WISNUMURTI
Ambassador
Permanent Representative

* A/50/150.

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ANNEX

Note verbale dated 10 July 1995 from the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Indonesia presents its compliments to the Secretary-General of the United Nations and, with reference to the note verbale dated 5 June 1995 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/50/214 and Corr.1), has the honour to state the following.

1. The Government of Portugal relinquished its responsibility as an "administering Power" of East Timor when it irresponsibly abandoned the Territory in August 1975, resulting in civil war and bloodshed. By this act, Portugal forfeited any right, morally or legally, to be still considered the administering Power. To now claim that it is prevented de facto from exercising its responsibilities reveals the inability of Portugal to face the reality of the situation.

2. It is a historical fact that the people of East Timor exercised their legitimate right to self-determination by deciding in 1976 to be independent through integration with Indonesia in accordance with their traditional practices and on the basis of, and in full compliance with, General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV). East Timor has since 17 July 1976 become an integral and inseparable part of the Republic of Indonesia and its status is irreversible.

3. Furthermore, it is absurd that Portugal, which claims that it is de facto prevented from providing information concerning the Territory as required by Article 73 e of the Charter of the United Nations, deems it appropriate and fit to contradict itself by presenting a "report" based on information from secondary and unreliable sources. Such attempts by Portugal to link unfounded allegations against Indonesia with the information to be submitted under the said Article are a blatant violation of those provisions.

4. The unfounded allegations against Indonesia, by using biased and prejudiced sources contained in the note verbale, present a highly exaggerated and misleading picture of the conditions in East Timor. Without prejudice to the position of Indonesia that Portugal has forfeited its right as the administering Power of East Timor and should therefore not provide any information on the situation in East Timor under Article 73 e of the Charter, the Permanent Mission of Indonesia is compelled to make the following clarifications:

(a) Over the past years, the Indonesian Government has taken a number of concrete steps which go well beyond the consensus statement made by the Chairman of the Commission on Human Rights in 1992, 1994 and 1995. In honouring this consensus the Government of Indonesia has endeavoured to deploy every means possible to resolve the remaining issues in connection with the Dili incident of 12 November 1991. In this regard, the search for missing persons is still under

way, and since February 1994 Indonesia has continued to keep the Secretary-General apprised of the developments.

(b) The establishment of the National Commission on Human Rights in 1993 has contributed to a more conducive atmosphere for the protection and promotion of human rights throughout Indonesia, including East Timor. Since its establishment, the Commission has been active in monitoring and investigating alleged violations of human rights throughout Indonesia and, more recently, in East Timor. In this regard, it is proposed to open a representative office of the Commission in that Territory.

(c) Consistent with Indonesia's policy to promote and protect human rights, two soldiers who were indicted for criminal acts at the "Liquisa incident" on 12 January 1995 have been brought to trial, sentenced to prison terms and dismissed from the military service by a military tribunal in Denpasar, Bali, on 19 June 1995. Second Lieutenant Jeremias Kasse has been sentenced to four and a half years' imprisonment for ordering, as recounted by his subordinate, the killing of six East Timorese suspected of supporting the security disturbance group. The soldier who carried out the order, First Private Rusdin Maubere, has also been sentenced by the same tribunal to four years' imprisonment. Both sentences may still be subject to appeal. This development shows the Indonesian authorities' commitment to uphold the law in dealing with human rights and military discipline violators and to ensure against the recurrence of such human rights abuses and violations in the future.

(d) Indonesia has consistently extended its cooperation with the Commission on Human Rights and has demonstrated its readiness in all sincerity to work with United Nations mechanisms. In line with this spirit, Indonesia extended an invitation to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions of the United Nations Commission on Human Rights, Mr. Bacre Ndiaye, to visit Jakarta and East Timor from 3 to 13 July 1994. It was hoped that the Special Rapporteur would take cognizance of Indonesia's sincere endeavours and their results. It is deeply regretted that the Special Rapporteur based the conclusions of his report mainly upon predisposed information and subjective opinions originating from prejudiced sources. Consequently, the Foreign Minister of Indonesia, on 9 January 1995 at a press conference, rejected the findings of the report as unbalanced, baseless and replete with preconceived judgements. This does not in any way diminish the Indonesian Government's determination to continue promoting and protecting the human rights and fundamental freedoms of every person in East Timor.

(e) The Permanent Mission of Portugal has made an attempt to create a false impression that there were ethnic tensions and religious provocations which were caused by population transfers, leading to the incidents referred to in its note verbale. This is a complete distortion of the facts. It has always been the past practice of Portugal to exploit every event concerning East Timor as having so-called political and religious connotations. The facts regarding the incident at the University of East Timor, in Dili, on 14 July 1994, were due to the behaviour of some unruly students from the Province of Sulawesi against two East Timorese nurses. The incident therefore has nothing to do with religious provocation, as alleged by Portugal. Neither does the incident of November 1994. It was an outbreak of violence caused by a personal quarrel

between two traders, one from East Timor and the other from Sulawesi, in which the former was killed. The South Sulawesi man was arrested, tried by the Dili District Court and later sentenced to 11 years in prison. It should be pointed out in this connection that different ethnic origins of the individuals involved can by no stretch of the imagination be termed an ethnic riot. The incidents that occurred in January 1995 were demonstrations instigated by certain elements to focus the attention of the international community during the tripartite dialogue between the Foreign Ministers of Indonesia and Portugal held under the auspices of the Secretary-General on 9 January 1995.

(f) The presence of people from the Province of Sulawesi in East Timor, including those involved in the incident, was prompted by economic reasons, facilitated by the openness of East Timor. It reflects the mobility of population in Indonesia for economic reasons, which is not unusual. What is referred to as population transfer in Portugal's note verbale is the resettlement policy, which is aimed at expediting development in remote areas of East Timor and improving the lives of the economically disadvantaged. The Indonesian Government does encourage skilled people in various forms of labour, like farming, mostly of the Catholic faith, to move to these areas to assist the local East Timorese not only to become self-sustained by developing their skills, but also to provide for the region's basic civic amenities. After 450 years of colonialism, Portugal left the Territory in a deplorable and primitive state with no schools, roads or any form of communication with the outside world. Basically, Portugal's legacy to East Timor was poverty and isolation.

(g) As regards what Portugal terms the "'Ninja' gangs", it was found that they were elements which terrorized the population in order to create confusion and disorder in the community and thereby to discredit the Indonesian authorities. In connection with these criminal acts, 37 people were charged, 16 brought to trial, 5 are awaiting trial and the rest were subsequently released.

(h) It is deeply regretted that Portugal has singled out the sentences given to a few East Timorese people for not complying with Indonesian laws and regulations which are applicable to every citizen of Indonesia.

(i) The unfounded allegations made that hundreds of individuals in East Timor are subjected to ill-treatment and harassment are totally false. The laws and regulations of Indonesia make it abundantly clear that all individuals arrested for criminal offences will be accorded due process of law, including disturbing the peace and order in the country.

(j) Pertaining to the East Timorese political prisoners both in East Timor and in other places, the Indonesian Government has always granted the International Committee of the Red Cross (ICRC) regular access to them. In this regard, ICRC has also visited East Timorese detainees and prisoners in Java, including the former leader of the security disturbance group, Mr. Xanana Gusmao, at Cipinang prison in Jakarta. During their visits the ICRC delegates were able to move freely and meet the people they wanted to meet both in East Timor and other parts of Indonesia. The Indonesian Government noted with appreciation the assistance given by ICRC to improve further the living

conditions of the prisoners, including the sanitation in the prisons. The Indonesian Government and ICRC have also worked closely in clarifying inaccurate information regarding prisoners. For example, there have been allegations that three inmates in Becora prison were dying from hunger. ICRC and an official from the Department of Justice have made an on-the-spot visit and found that the allegation was not true.

(k) The Government of Indonesia has taken further steps to make East Timor more accessible. During the past six months, the following personalities have made visits to East Timor: the United States Assistant Secretary of State for Democracy, Human Rights and Labor, Mr. John Shattuck, and Senator Charles Robb accompanied by the United States Ambassador to Indonesia, H.E. Mr. Robert Barry, from 11 to 14 April 1995; two members of the Parliament of the Federal Republic of Germany, Mr. Rainer Eppelman and Mr. Volker Neuman, from 22 to 27 May 1995; ambassadors and representatives of various embassies in Jakarta; five foreign journalists, namely, Messrs. Jeremy Wagstaff (Reuters), James Edward Della Giacoma (AFP), Michel Bret Maher and David John Henry (ACB) and Patrick John Reynell Walters (The Australian). The Government of Indonesia has also extended an invitation to some Members of the Parliament of Belgium to visit East Timor in March 1995. However, because they had to prepare for parliamentary elections on 21 May 1995, they have proposed to postpone the visit to September 1995; the European Parliament-Indonesia Friendship Association (EPIFA) plans to visit East Timor and other Indonesian provinces from 10 to 19 August 1995. The group represents various parties in member countries of the European Community, inter alia, the Christian Democratic Party, the Conservative Party, the Liberal Party and the Social Democratic Party.

(l) The annual development expenditures for East Timor continue to be high. The national and provincial governments are working together on a broad range of social and economic development areas to improve the quality of life in the province. In this connection, many visitors to East Timor have acknowledged the positive measures undertaken by Indonesia in East Timor, including the granting of greater access to the province. They have praised the rapid material development of the region. Foreign development assistance is extended to East Timor by a number of countries and international organizations. It is pertinent to note that in East Timor ICRC works with the Indonesian Red Cross to help build water pumps and implement public health education projects in the province's remote rural areas. Indonesia is keen to see that this assistance to the East Timorese people continues and it welcomes visitors to witness the actual conditions in East Timor.

(m) The statement of Portugal that the Government of Indonesia has significantly increased its troop strength is absolutely without foundation. Referring to facts "according to all testimonies available" without specifying the sources as the basis for that statement shows the recklessness on the part of Portugal in making allegations against Indonesia. As widely reported, the East Timor Military Operation command has been dissolved and replaced by a regular District Command, similar to the other Indonesian provinces. Consequently, it is planned to withdraw two battalions of troops currently stationed in East Timor. This plan is being carried out in the light of the progress in security conditions in East Timor.

(n) On 3 April 1995, at the cultural event hosted by the Portugal-Indonesia Friendship Association (PIFA), its current honorary President, General Carlos Galvao de Melo, in his speech expressed support for the integration of East Timor with Indonesia.

5. The Secretary-General of the United Nations, in the context of ongoing efforts under his auspices to seek a just, comprehensive and internationally acceptable solution to the question of East Timor, held a fifth round of talks at Geneva, on 9 January 1995, with the Foreign Ministers of Indonesia and Portugal. It was recorded that during the meeting several points of agreement were arrived at between the parties. In this regard, the statement noted, inter alia, the convening of an intra-East Timorese dialogue between East Timorese groups and personalities of different shades of political opinion at a date to be determined; the objective of the dialogue being to provide a free and informal exchange of views in assisting the establishment of a conducive atmosphere; the need for the two Governments to cooperate in encouraging all East Timorese to respond constructively to the initiative; the Indonesian Government's intention to take further steps towards the implementation of the undertakings contained in the relevant Chairman's statement adopted by consensus by the Commission on Human Rights; the Secretary-General's appeals to East Timorese of all shades of opinion to exercise restraint and refrain from actions that could have a detrimental impact prior to and in the course of the dialogue; and the recalling of the statement of 6 May 1994 on the need for continued restraint by both parties.

6. It is also important to note that the "All-inclusive Intra-East Timorese Dialogue" (AETD) was held at Burg Schlaining Schloss, Austria, from 2 to 5 June 1995. The dialogue was conducted in accordance with the agreement reached at the Fifth Tripartite Dialogue, including the stipulation that the meeting should be reconciliatory in nature to reflect the fact that it is a continuation of the two previous reconciliatory meetings held in London from 14 to 17 December 1993 and from 29 September to 1 October 1994, respectively. The Governments of Indonesia and Portugal still have to examine, in the context of the Tripartite Dialogue, the results of the AETD in order to determine whether or not it has effectively served to "provide a forum for continuing the free and informal exchange of views to explore ideas of a practical nature that might have a positive impact on the situation in East Timor and assist in the establishment of an atmosphere conducive to the achievement of a solution to the question of East Timor". The very fact that the meeting has served as a forum for the East Timorese leaders to meet and contact each other in an atmosphere of peace and fraternity, after being separated for almost 20 years, could be seen as a success in itself. Another important dimension of the dialogue was that it was conducted in line with the "terms of reference" that required the participants to refrain from discussing the political status of East Timor.

7. It is evident that the Government of Indonesia has in good faith implemented the undertakings in line with the confidence-building measures agreed upon during the talks held on 17 May 1993, 6 May 1994 and 9 January 1995. However, Portugal's sincerity with respect to the dialogue and its actions are contrary to the letter and spirit of the points of agreement, in particular "the need for continued restraint by both parties in the interest of maintaining a favourable atmosphere for further progress towards a comprehensive solution to

the question of East Timor". It is Indonesia's firm belief that if Portugal adopts an equally constructive attitude and demonstrates that it is also committed to such a goal, then a settlement will be feasible.

8. In the context of the foregoing, the Permanent Mission of the Republic of Indonesia takes the categorical view that the so-called report of Portugal contained in the note verbale dated 5 June 1995 has no validity whatsoever.

The Permanent Mission of the Republic of Indonesia to the United Nations has the honour to request that this note verbale be circulated as an official document of the United Nation General Assembly.